

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DANIEL MOLINA,

Plaintiff,

vs.

WAL-MART STORES, INC., etc., *et al.*,

Defendant,

2:11-cv-194-LDG-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

This matter came before the Court on June 20, 2011, for a hearing on an Emergency Motion to Compel (#18) and Order to Show Cause (#19).

Plaintiff, Daniel Molina, pro per, was present at the hearing. Also present was Anthony Julian Sharp, Esq., counsel for Defendant Wal-Mart Stores, Inc. The Court canvassed and heard the representations of the parties. During the course of the hearing, Plaintiff, Daniel Molina advised the court that he no longer wanted to proceed with this case. Further, the Plaintiff, Daniel Molina made an oral request to dismiss this case. Good cause appearing therefore,

RECOMMENDATION

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be DISMISSED WITH PREJUDICE.

NOTICE

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may

1 determine that an appeal has been waived due to the failure to file objections within the
2 specified time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This
3 Circuit has also held that (1) failure to file objections within the specified time and (2) failure to
4 properly address and brief the objectionable issues waives the right to appeal the District Court's
5 order and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951
6 F.2d 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir.
7 1983).

8 DATED this 29th day of June, 2011.

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11 ROBERT J. JOHNSTON
United States Magistrate Judge
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